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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,346

06/09/2006

Joachim Spratte

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EXAMINER

NGUYEN, HANH N

ART UNIT

PAPER NUMBER

2834

MAIL DATE

DELIVERY MODE

02/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,346	Applicant(s) SPRATTE ET AL.	
	Examiner HANH N. NGUYEN	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/9/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Li (US 5,945,749).

Regarding claim 1, Li discloses a chassis part of a vehicle (abstract), the chassis part comprising: a spring (6, 4 in Fig. 1); a magnet (1); and at least one electric coil (7), which interacts with the magnetic field generated by the magnet (1), wherein the magnet (1) and the coil are mobile in relation to one another (Col. 5, lines 5-10), wherein the chassis part can perform vibrations at at least one natural frequency, the magnet (1) is fastened to said spring (4, 6) and is mobile relative to the coil (7), and the natural frequency of the oscillator having the magnet (1) and the coil (7) is tuned to the natural frequency of the chassis part (abstract and Col. 5, lines 40-45).

Regarding claim 4, Li also discloses a chassis part wherein the spring (4, 6) is a coil spring.

Regarding claim 5, Li also discloses a chassis part wherein the magnet (1 in Fig. 1) is arranged in the spring (4, 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Delson et al (US 6,307,285).

Regarding claim 2, Li shows all limitations of the claimed invention except showing a chassis part wherein the magnet is guided linearly movably in a sleeve made of a nonmagnetic material.

However, Delson et al. disclose a chassis part wherein the magnet is guided linearly movably in a sleeve (12 in Fig. 1A) made of a nonmagnetic material (Col. 20, lines 15-20) for the purpose of constraining the movable magnet.

Since Li and Delson et al. are in the same field of endeavor, the purpose disclosed by Delson et al. would have been recognized in the pertinent art of Li.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Li by using a sleeve made of a nonmagnetic material to guide the magnet as taught by Delson et al. for the purpose of constraining the movable magnet.

Regarding claim 3, Li also discloses a chassis part wherein the magnet is fastened in a sliding element (3 in Fig. 1) made of a nonmagnetic material.

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3. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Leibovich (US 4,928,028).

Regarding claim 6, Li shows all limitations of the claimed invention except showing a chassis part wherein a second electric coil is provided and the magnet is arranged between the two electric coils.

However, Leibovich discloses a chassis part wherein a second electric coil is provided and the magnet is arranged between the two electric coils (Fig. 5) for the purpose of precluding saturation of the magnetic circuit elements in operation (Col. 3, lines 28-30).

Since Li and Leibovich are in the same field of endeavor, the purpose disclosed by Leibovich would have been recognized in the pertinent art of Li.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Li by providing a second electric coil and the magnet is arranged between the two electric coils as taught by Leibovich for the purpose of precluding saturation of the magnetic circuit elements in operation.

Regarding claim 7, Leibovich also discloses a chassis part wherein the two electric coils have a core (59 in Fig. 5) each made of a magnetic material, wherein the two cores are connected to one another via a housing (56, 57 in Fig. 5) made of a magnetic material.

Regarding claim 8, Leibovich also discloses a chassis part wherein the magnet (72), the spring (64, 65) and the two coils are arranged in the housing (56, 57).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (571) 272-2031. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quyen Leung, can be reached on (571) 272-8188. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1000.

HNN

February 4, 2009

/Nguyen N Hanh/

Primary Examiner, Art Unit 2834

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